

Robinson, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
McCORMICK & CO., INC.,

Plaintiff,

-against-

KARI-OUT CLUB, LLC, t/a KARI-OUT CO.,

Defendant.

-----X
PERK UP, INC., s/h/a KARI-OUT CLUB, LLC,
t/a KARI-OUT CO.,

Third Party Plaintiff,

-against-

SHAMBAUGH & SON, LP,

Third Party Defendant.
-----X

Case No.: 07-CV-7244 (SCR)

STIPULATION AND ORDER
OF DISMISSAL OF THIRD
PARTY ACTION

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned, the attorneys of record for all parties to the action, that the third-party action be and the same hereby is dismissed with prejudice and on the merits and without costs to any party.

Dated: New York, New York
February 29, 2008

LONDON FISCHER LLP

By: 

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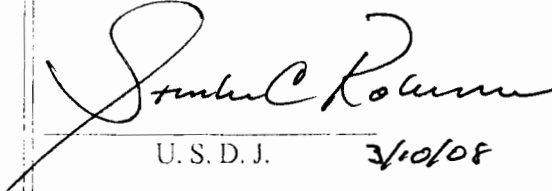


LEWIS JOHS AVALLONE AVILES, LLP

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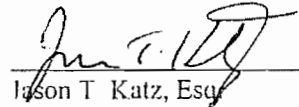
SO ORDERED:



U. S. D. J. 3/10/08

LEWIS JOHS AVALLONE AVILES, LLP

By:



Jason T. Katz, Esq.

Attorneys for Defendant/Third

Party Plaintiff

PERK UP, INC, s/h/a KARI-OUT

CLUB LLC, t/a KARI-OUT CO.

425 Broad Hollow Road

Melville, New York 11747

(631) 755-0101

SO ORDERED:

U S D J.

Dated :